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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,889	04/12/2004	Katsuyoshi Suzuki	ASAM.0120	2501

7590 09/20/2005

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EXAMINER

HEIN, GREGORY P

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,889	SUZUKI, KATSUYOSHI	
	Examiner	Art Unit	
	Gregory P. Hein	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/22/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2 - 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/22/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1 – 15 are presented for examination and claims 2 – 7, 9 - 11 and 15 are rejected and claims 1, 8 and 14 are allowed.

Information Disclosure Statement

U.S. Patents Documents numbered 2002/0082349 A1 and 2003/0141105 by Takahashi et al. and Sugaya et al., respectively, and European patent document number 0 512 401 A2 are not considered as part of prosecution. The subject matter disclosed in said documents does not pertain in any significant way to applicant's claimed invention.

Claim Objections

Claims 8, 13 and 14 are objected to because of the following informalities:

1. Line 8 in both claims 13 and 14 recite the limitation "... a number of hard disk drives forming an RAID level ..." The RAID level is independent of the number of drives contained therein and the limitation should read "... a number of hard disk drives forming an RAID group ..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 - 7, 9 - 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claim 2 recites the limitation "... the selected hard disk drives ..." in line 5. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 5 recites the limitation "... said group ..." in line 3. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 5 recites the limitation "... said selected hard disk drives ..." in line 6. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 6 recites the limitation "... said display." in line 4. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 7 recites the limitation "... said module accommodating said hard disk drives to be increased or decreased." in line 14. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 is rejected for dependency on a rejected claim.
7. Claim 10 recites the limitation "... said group constituted by said predetermined number of hard disk drives ..." in line 3. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 11 recites the limitation "... said display ..." in line 4. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 12 recites the limitation "... the RAID group ..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 13 recites the limitation "... the RAID group ..." in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 3 recites the limitation "... a plurality of hard disk drives constituting said group ..." in line 2. It is unclear if this limitation is equivalent to claim 2, which recites the limitation "... a group constituted by said predetermined number of hard disk drives ..." on line 2. Appropriate corrections required.

12. Claim 3 recites the limitation "... a plurality of paths." on line 4. It is unclear if this limitation is equivalent to claim 1, which recites "... a plurality of paths." on line 7. Appropriate action required.

13. Claim 4 recites the limitation "... a plurality of hard disk drives constituting said group ..." in line 2. It is unclear if this limitation is equivalent to claim 2, which recites the limitation "... a group constituted by said predetermined number of hard disk drives ..." on line 2. Appropriate corrections required.

14. Claim 4 recites the limitation "... a plurality of modules." in line 4. It is unclear if this limitation is equivalent to claim 1, which recites the limitation "modules" on line 9. Appropriate corrections required.

15. Claim 6 recites the limitation "... a plurality of paths ..." in line 3. It is unclear if this limitation is equivalent to claim 1, which recites the limitation "... a plurality of paths ..." on line 7. Appropriate corrections required.

16. Claim 9 recites the limitation "... a plurality of hard disk drives constituting said group ..." in line 2. It is unclear if this limitation is equivalent to claim 8, which recites

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the limitation "... a group constituted by said predetermined number of hard disk drives ..." on line 2. Appropriate corrections required.

17. Claim 9 recites the limitation "... a plurality of paths ..." in line 4. It is unclear if this limitation is equivalent to claim 7, which recites the limitation "a plurality of paths ..." on line 7. Appropriate corrections required.

18. Claim 11 recites the limitation "... a plurality of modules ..." in line 3. It is unclear if this limitation is equivalent to claim 7, which recites the limitation "modules ..." on line 9. Appropriate corrections required.

Claim 15 recites the limitation "... said group constituted by said predetermined number of hard disk drives ..." in line 24. It is unclear if this limitation is equivalent to the limitation "... a group constituted by said predetermined number of hard disk drives ..." on line 17. Appropriate corrections required.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

19. Claim 1 is allowable subject matter. The relevant prior art provides for the increased performance and reliability using substantially similar techniques as applicant's claimed invention. However, the method of graphical selection by displaying paths different from a path cannot be overcome.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory P. Hein whose telephone number is 571-272-4180. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Hein
8/24/2005

Mano Padmanabhan
9/6/05

MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER